

REMARKS

Paragraphs [0011], [0030], [0031], [0040], and [0041] of the substitute specification have been amended for clarification. No new matter is introduced in the specification amendments, which are based upon the subject matter as it was set forth in the translation of the application as filed, including the specification, claims, and drawings. Additionally, claims 1 through 4 and 6 through 8 have been amended to more clearly recite the subject matter that the applicants regard as their invention.

At the outset, it is apparent that the drawing objections and several of the indefiniteness rejections of the claims are based upon the translation that was filed of the originally-filed German language application. However, applicants had submitted a Preliminary Amendment, dated July 29, 2004, which included a substitute specification, amended claims, and amended drawings. In fact, the drawing amendments that were submitted at that time overcome the examiner's objections to the drawings that were made in the Action to which this Amendment is a response.

It has been determined from a check of the Office's PAIR system that the Preliminary Amendment and all attachments were duly filed and were entered in the present application. In that regard, attached hereto is a printout dated August 22, 2007, from the PAIR system of the Transaction History page for this application, showing that a Preliminary Amendment (which incidentally was mailed by first-class mail along with a certificate of mailing) was received by the Office and entered on August 2, 2004, along with the priority document, the latter

of which the examiner has acknowledged receiving. Also attached hereto is another printout dated August 22, 2007, from the PAIR system, of the Available Documents page for this application, identifying a number of documents that were filed and entered on August 2, 2004. Although the "Description" of several of the documents listed on that page is inapt, the Preliminary Amendment and all attachments are included among those documents. In that regard, the following previously-filed papers are included in the indicated Document Description entry:

| <u>Mail Room Date</u> | <u>Document Description</u> | <u>Documents Included</u> |
|-----------------------|--|---|
| 08-02-2004 | Specification | Substitute Specification – Attachment A |
| 08-02-2004 | Claims | Page 16 of Substitute Specification |
| 08-02-2004 | Applicant Arguments/Remarks Made in an Amendment | Substitute Specification – Attachment B; corrected drawings; marked-up drawings |
| 08-02-2004 | Preliminary Amendment | Page 1 of Preliminary Amendment |
| 08-02-2004 | Specification | Page 2 of Preliminary Amendment |
| 08-02-2004 | Claims | Amended Claims; Drawing Amendments Page |

As further clarification of the described documents, under "Applicant Arguments/Remarks Made in an Amendment," which is indicated as aggregating 22 pages, included among those pages are the following documents:

| | | |
|---------------------|---|--|
| Pages 1 through 16 | - | Substitute Specification – Attachment B; |
| Pages 17 through 19 | - | marked-up drawing sheets; |

Pages 20 through 22 - corrected drawing sheets.

The amendments made in this response are based upon the text of the substitute specification including paragraph numbers, the amended claims, and the amended drawings that were filed as a part of the Preliminary Amendment.

In the present Office Action the drawings were objected to on the ground that Figures 1 and 2 should include a legend such as "Prior Art" to show that the illustrated structures are not new. In that regard, and as noted above, in the Preliminary Amendment the drawings were amended to include the designation of Figures 1 and 2 as prior art, as required by the examiner. Accordingly, the drawing objections have been overcome.

With regard to the claims, all the claims were rejected as indefinite. Claim 1 has been amended to clarify that the distance recited is the distance between the centers of transverse cross sections of the rocker members. And what is at least partially compensated (amended to read "reduced") is the effect of the rocker member form on the distance changes between the centers of the contacting rocker members as they tilt relative to each other. Further, the freeform surfaces are recited as the rolling surfaces "having a varying radius of curvature."

As to the alleged indefiniteness of claim 2, the length that is influenced is recited as that of the shortening of the chain during rotation of the chain in a circular arc, which is a result of the polygon effect that is described in paragraphs [0005], [0006], and [0007] of the substitute specification. In addition to the effect of links having different lengths, the shortening of the chain is also affected by

the rocker members having rolling surfaces that have a varying radius of curvature, which is claimed in claim 2 as hereinabove amended. Claim 3 includes similar amendments.

Regarding claim 4, the letters that were questioned are identified in connection with the rocker member configuration and as related to the equation set forth in that claim. And the word "type" has been deleted from claim 6.

In claim 7 line OP has been changed to recite a line connecting O and P, where O and P are identified as the center of curvature and as a point on the rolling surface, respectively. The reference numeral 18 had been deleted in the amended form of claim 8 as it was presented in the Preliminary Amendment. As now further amended, the reference to angle β has been canceled from claim 8 because it is defined in claim 4, from which claim 8 indirectly depends.

It is believed that the claims as they now stand are in definite form.

Claims 1 through 3 and 6 were rejected as anticipated by the Wolf '583 reference, and claims 4, 5, 7, and 8 were rejected as obvious based upon that reference. In that regard, each of the independent claims recites that the rolling surfaces of the rocker members have a varying radius of curvature. The Wolf reference merely discloses a chain having different length links, wherein the outer link plates have longitudinal extensions 12 to prevent lateral slippage of adjacent link plates. And with regard to the configuration of the rolling surfaces of the rocker members, the Wolf reference merely discloses that the link elements 3 have convex rocker surfaces 6. (see Wolf, col. 3, lines 66-68). There is no mention or suggestion in Wolf of rolling surfaces having a varying radius of

curvature, nor is there any recognition of the beneficial effects such a rocker member configuration provides, as explained in the present application and as reflected in the claims.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they are in definite form and that they patentably distinguish over the disclosure contained in the reference that was cited and relied upon by the examiner, whether that reference be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Consequently, reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this Amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



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